

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
) No 18 CR 734
vs.) Hon. Matthew F. Kennelly
)
)
TERRY FERGUSON)

AFFIDAVIT OF JOHN DEIR

I, John Deir, hereby swear and affirm that the following facts are true and accurate the best of my recollection.

Terry Ferguson has been a close family friend for a long time. For decades. We have been through a lot together. Our relationship is such that I see him and his whole family as my family. That is how he treats me. Like a brother. And I treat him the same. Terry is a great guy. He is always there to help. When someone is ill, Terry is there to help. When someone is in trouble, Terry is there. He makes lives better. He is a guy you can always count on. I consider it an honor to be able to call him my friend.

It is because of Terry Ferguson, that I have continually come into contact with Agent Chris Labno. That contact has done immense harm to me and my family. And it has done immense harm to Mr. Ferguson because he understands that everything that has happened to me at the hands of Agent Labno is because of Labno's desire to get information on Terry that just does not exist. My experience with Agent Labno is detailed below.

November 30, 2018

The first encounter I had with Agent Labno was on November 30th 2018. On that day I received a phone call from Terry's son, Terry Ferguson Jr. who asked me if I would take a ride with him to pick up his younger brother, Trent Ferguson. Terry Jr. told me that the police had arrested his father for the second time in a month. When we arrived at Terry Ferguson's home to pick up Trent, there

were no police present. When we pulled into Terry's driveway, a car with Agent Labno and two other Agents pulled behind us. The agents asked Terry Jr. why he was there. He explained that we were there to pick up his younger brother Trent. At that point, Agent Labno turned his attention to me and asked for my ID. I told him I was just a family friend and was not involved in this matter. I stated that I didn't feel comfortable giving him my ID as I didn't want to get dragged into whatever was going on with Terry's dad. I then walked with Terry Jr. into Mr. Ferguson's house.

Agent Labno waited outside and verbally threatened that he would get a warrant because he "thought I was a fugitive." I have not been in any trouble of any kind whatsoever in almost 20 years. I own my own business and have been involved in coaching my kids' sports – I have been a model citizen. Given that I didn't do anything wrong, and because I didn't want Mr. Ferguson's home to get damaged thought that if I showed the Agents my ID this encounter would end, I went outside and gave Agent Labno my ID. Agent Labno started to ask me questions and I said that I didn't know anything about Terry's issue. I told the Agents that if they proceeded to interrogate me, I would like to speak with a lawyer. At that point, Agent Labno became openly angry and said, "okay tough guy, you are going to have big problems real soon." After some time we were allowed to leave.

December 17, 2018.

On December 17th 2018, Agent Labno and approximately 25 agents arrived at my home around 6AM while my wife and children were asleep. The Prosecutor later stated in court that Agents were there that morning to serve a peaceful knock-warrant (body warrant). However, when we finally got access to the video from my home security system (my camera system was disconnected by the ATF after about 12 minutes and then they refused to provide my lawyer with access to the recordings of that morning from my DVR until after I was compelled to plead guilty through continued threats while being held in custody for several months awaiting a court date), the video showed that the 25+ agents who were there that morning were all armed with machine guns and dressed in tactical gear. They quietly approached the front and back door and placed their crowbars in my door before they even knocked. The agents entered my home in less than a minute at which time there were agents all over my home with machine guns. Me and

my family were all in custody within 2 minutes of them entering the home. While handcuffed in my living room wearing nothing but shorts, I was told that I was under arrest but wasn't given a reason. When being transported to the police station, I was informed that I was being arrested for intimidating a witness.

Agent Labno asked me if I was ready to cooperate now. I once again told him I didn't know anything and wanted a lawyer. Agent Labno said, "well then you won't be coming back here anytime soon." Agent Labno and other agents followed through with this threat by falsifying reports from that morning – the Agents told the Prosecutor and the court that I was found "flushing large amounts of drugs down the toilet" and my house "had an overwhelming smell of cocaine." The agent who made these false allegations and signed the search warrant was not even present in my home during the raid and could not have possibly had any knowledge of how the home smelled. This was proven from the video from my security system. Absolutely no drugs were found. Agent Labno told my brother that morning that, "I tried to talk with your brother but he wanted to be a jerk. Now, this is what happens." (my brother submitted a statement the day after this occurred).

The agents remained in my home for 12 hours while waiting for a search warrant to be signed. When they received the warrant, they acted like animals and completely destroyed my bedroom and broke several items (my brother and some family friends came over to help my wife clean up after -there is a video of the aftermath). Without going into the details of all the improper conduct on behalf of the the ATF (which I know are part of the court's record in Terry's case), the case was eventually dropped to a misdemeanor because statements that resulted from Agent Labno's interview of Individual A could not be relied on. Despite the obvious issues with Individual A, the Prosecutor and the ATF worked in concert to hold me in jail for nearly four months without bond, continuing to tell me that if I just tell them anything about Terry, all this goes away. The reason the court denied my bond was because the Prosecutor told the judge that I was a convicted felon and I had a prior arrest for discharging a weapon in public (neither of which are true and have not been brought up again). When my lawyer informed the Judge that neither of these were true, he said it didn't matter. The court never asked the ATF about the drugs that served as the basis of

the search warrant, which did not exist.

April 2019.

I was released from federal custody in April 2019 after pleading guilty to the same misdemeanor as Mr. Ferguson. On the exact same day I was released, Agent Labno went to my wife's cousin's work at the Cook County Jail and questioned him about a 2015 gun transfer between me and him and then later between him and my wife. Agent Labno told this individual that the paperwork wasn't filled out correctly and repeatedly asked him if I lied about the transfer. I did not. Agent Labno insinuated the actual physical transfer of the guns did not happen. My wife's cousin told Agent Labno several times he did in fact take possession of the firearms while my wife was waiting for her FOID card so that she could legally take possession of the firearms. Agent Labno persisted anyway.

March 6, 2020.

On my way to work, an ATF agent pulled me over, removed me from my vehicle, and transported me to the Burbank police station without any warrant. At that time, Agent Labno and CPD officer Stenzel, who were at the police station, brought me into an interrogation room. Before they asked me any questions, I informed them I wanted to speak with a lawyer. Agent Labno asked if I'll be using Steve Greenberg again. I replied probably. At first Agent Labno was polite and asked if I knew why this is happening. I replied no and Agent Labno told me directly that this was all happening because of Terry. I asked, "if I didn't break any laws but you're still arresting me, how is that legal?" Agent Labno said "well if you don't cooperate we are going to charge you with the guns we seized from your house." Once again I told Agent Labno and CPD officer Stenzel that I wanted to speak with a lawyer and I didn't know anything illegal Terry was involved in. I told Agent Labno that Terry wasn't the terrible person he was trying to make him out to be. At that point, Agent Labno's became very angry and said "Terry and his lawyer are pieces of shit! They stole his niece's money. Terry bought himself a new house with her money, while she lives in squalor." When I still was unable to provide any information about Terry, he got angrier and seemed desperate. He said "just give me anything, I mean anything on Terry and all of your problems go away. You can walk out of this police station if you help me." I believed Agent Labno was trying to persuade me to make something up about Terry.

After being transported from the Police Station to a Cook County courthouse, I was told that I was being charged with 16 felonies by the same Attorney General Prosecutor that charged Terry in Will County. Somehow, my attorney (Steve Greenberg) was already at the Cook County courthouse in Palos Hills when my family arrived (about 90 minutes after I was arrested) but before I arrived at the Courthouse.

Steve Greenberg was the attorney that represented me for both the federal and state charges. I met with Steve 3 times in 2021 to discuss my case. When meeting or speaking with Steve, I would update him with details I heard about Terry's case because I felt Agent Labno's misconduct in that case was relevant in my case. During one of those meetings, Steve was coming to get me from the waiting room when his phone rang. Steve showed me the name that was calling on his phone, which read "ATF Labno". Steve asked me to sit back down while he answered the call. When he came back to get me again, I asked if Agent Labno was calling about me. Steve said no, that Agent Labno called to tell Steve he was going to win a different case.

Then during that meeting, Steve told me to stop worrying about Terry. He said I needed to do what was best for me and my family. I told him that I've known Terry's family for 25 years and he's not a bad person. Then his response was "Terry and Beau are pieces of shit." He said, "They stole his niece's money. Terry bought himself a new house with her money, while she lives in squalor." I remember very clearly that Steve used the exact same wording that Agent Labno used when I was being held in the Burbank police station. At that point I became suspicious that Steve may have been passing information I shared with him about Terry's case to Agent Labno. I stopped updating Steve in regards to Terry's case.

Despite the fact that there were no drugs found on me or in my home or my property (as I understand is key to felony gun charges) and despite the fact that the all guns that were found in my home were legally purchased and owned and I was not found outside my home with any gun or other weapon (which I was also advised was key to these charges), I was once again intimidated into pleading guilty.

I received 18 months' probation which was completed satisfactory June 14th 2023.

August 17, 2023.

Every time I think this is over and I can finally move on

with my life, Agent Labno shows up again to continue to harass me and my family. On August 17th Agent Labno and CPD officer Stenzel showed up at my house and wanted to speak with me because I was being called as a witness in a case. This incident is recorded by my home's Ring doorbell system. I was previously interrogated three times by Agent Labno. In all three encounters, Agent Labno became very angry with my inability to share any information about Terry (even when I was being threatened with going to prison for 20+ years for gun charges) – as a result of “my unwillingness to cooperate”, he made threats about how he was going to make trouble for me and I was going to jail. He followed through on his threats in each instance. I do not want to speak with this Agent and I do not want to be involved in this case. I just want to be left alone and live my life.

Based on everything that has happened in this case - all of the outright lies that have been ignored, the inconsistencies, and the misconduct (*no one has answered why my cameras were disconnected, no one has answered why the agents remained in my home and lightly searched while they waited 12 hours to get a search warrant, no one has answered how the agents were able to get a search warrant because they smelled cocaine that was never recovered, no one has answered how an agent that was not in my home testified to a judge that he smelled the cocaine, no one has answered why the Prosecution refused to let anyone speak with the individual who agents alleged made the claims that he was threatened, no one has answered why we were not allowed to see the video from my home security system when requested... and the list goes on*) – all of these issues have been ignored and there continues to be new twists and new aggressions in what I believe is a vendetta against me because I have been unable to produce any incriminating information about Terry. My lawyer has assured me every step of the way that there is no case, that the law is on our side and when the court continues to rule against us in what appears to be violations of the law, he has told me that the court is not following the law and has violated my rights. .

Agent Labno has shown that he has unlimited power to leverage other police agencies, Federal Prosecutors, an Attorney General, and fellow ATF agents against any target he chooses. I have lost all faith in the justice system and have seen firsthand how the system is broken. Agent Labno is vindictive. He has used other agencies to put me in criminal jeopardy as a punishment for being unwilling to

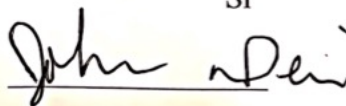
falsely incriminate Terry Ferguson. I want to testify to the effects that the Labno conduct has had on me and my family, on my relationship with Terry Ferguson, and on Terry himself, who has shouldered all of the burden and the guilty for everything that my family has suffered. I want to explain to this Court what this has done to this man and the extraordinary person he is for his family. But, when I saw Agent Labno was still being allowed to conduct this investigation after everything he has done and everything Terry has filed, I knew that there was no way to stop him.

There will be retaliation if I give this testimony. He is still fully empowered to do whatever he chooses to try to harm Terry. I could not believe that when I saw it. All the anger and anxiety of the years of dealing with this man came back and I knew I could not risk the retaliation. The potential harm to me and my family is too great. So I cannot give my testimony. I won't take the risk. It is a terrible thing for me to acknowledge that. There is testimony I should give, but I cannot.

For all of these reasons, my family has pleaded with me not to testify – their hope is that if we cooperate by not testifying, Agent Labno will leave us alone. My wife was terrified the moment she saw him. I share their concern and I don't feel safe. I believe that Agent Labno will retaliate against me if I testify. I believe that when Agent Labno showed up at my house on August 17th and said he was sent there US Attorney's Office General's office, it was a clear message that I better not testify or he would be back. Given what I've stated here, I ask that the court please not force me to testify.

signed and Affirmed,

Si

A handwritten signature in black ink, appearing to read "John Deir", written over a horizontal line.

John Deir